

**THURSDAY, APRIL 29, 1993**  
**FORTIETH LEGISLATIVE DAY**

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. Glenn Forsee, First Assembly of God, Shelbyville, Tennessee.

Representative Phillips led the House in the Pledge of Allegiance to the Flag.

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Jackson; illness.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 96

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

**PRESENT IN CHAMBER**

Representative(s) Kernell was/were recorded as being present in the Chamber.

THURSDAY, APRIL 29, 1993 -- FORTIETH LEGISLATIVE DAY

REPORT OF COMMITTEE ON CALENDAR AND RULES  
April 29, 1993

The Calendar and Rules Committee has met and set the following bill(s) on the Regular Calendar for Monday, May 3, 1993: House Bill(s) No(s). 726, 241, 238, 796, 1113, 1072, 590 and 883.

The Committee set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, May 3, 1993: House Bill(s) No(s). 1557; Senate Joint Resolution(s) No(s). 65; also, House Joint Resolution(s) No(s). 242.

We further report that the following was/were considered but failed to pass: House Bill No. 941.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to Rule No. 17, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**\*House Joint Resolution No. 0258** -- Memorials, Government Officials -- Encourages acquisition of 7,500 acres of Stearns Company land in Fentress and Pickett counties as expansion of Pickett State Forest. by \*Windle.

Conservation and Environment Committee.

**\*House Joint Resolution No. 0260** -- Highway Signs -- William "Bill" Smith Bridge. East Fork Stones River, U.S. 70, Cannon County. by \*Buck, \*Bragg.

Transportation Committee.

**\*House Joint Resolution No. 0268** -- Memorials, Government Officials -- Urges legislative and administrative branches to address needs of uninsured working women. by \*Turner B, \*Duer, \*Peroulas Draper, \*Brown, \*Pruitt, \*Halteman Harwell, \*DeBerry, \*Chumney, \*Knight, \*Owenby, \*Williams K, Brooks, Hassell.

Health and Human Resources Committee.

RESOLUTIONS

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for Monday, May 3, 1993:

**House Resolution No. 0050** -- Memorials, Interns -- Steven Layne Mort. by \*Bittle.

**House Joint Resolution No. 0270** -- Memorials, Recognition and Thanks -- Citizens of Bucharest Romania. by \*Coffey.

**THURSDAY, APRIL 29, 1993 -- FORTIETH LEGISLATIVE DAY**

**House Joint Resolution No. 0271 -- Memorials, Retirement -- Sue Johnson. by \*Coffey.**

**House Joint Resolution No. 0272 -- Memorials, Sports -- Huntsville Middle School girls' basketball team. by \*Winningham.**

#### **INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 1656 -- Fayetteville -- Revises provisions relative to offices of mayor, aldermen and city administrator. Amends Chapter 294. Acts of 1903, as amended. by \*Fowlkes, \*Phillips.**

**House Bill No. 1657 -- Monroe County -- Enacts wheel tax. by \*Gunnels, \*McKee.**

**House Bill No. 1659 -- School Districts, Special -- Authorizes Oneida Special School District to refinance bonded indebtedness. by \*Winningham.**

#### **SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were Held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**Senate Bill No. 0440 -- Water Pollution and Water Resources -- Creates Gibson County Water Projects Authority. Amends TCA, Title 64, Ch. 1. (\*HB 0250).**

**\*Senate Bill No. 0697 -- Taxes, Sales -- Exempts from sales tax the purchase of electricity used to generate radiant heat for production when sold to or used by manufacturers. Amends TCA 67-6-206. (HB 0736).**

**\*Senate Bill No. 0746 -- Education -- Establishes model laboratory school program. Amends TCA, Title 49. (HB 0457).**

**\*Senate Bill No. 0944 -- Bad Checks -- Makes payment of rent with worthless check subject to criminal bad check law. Amends TCA, Title 39, Ch. 14, Pt. 1. (HB 1250).**

**\*Senate Bill No. 0981 -- Health -- Includes Carroll and Weakley counties in pilot program to reimburse licensed residential homes for aged. Amends TCA 12-4-320. (HB 0613).**

**Senate Bill No. 1143 -- Driver Licenses -- Increases fine for driving on revoked, suspended or cancelled driver license for first offense from \$500 to \$1,000 and for second and subsequent offenses**

**THURSDAY, APRIL 29, 1993 -- FORTIETH LEGISLATIVE DAY**

from \$2.500 to \$5,000. Amends TCA, Title 55, Ch. 50. (\*HB 0411).

**\*Senate Bill No. 1288** -- Criminal Offenses -- Bars appeal of death sentence three years after trial court judgment. Amends TCA, Title 39, Ch. 13. (HB 1088).

**\*Senate Bill No. 1358** -- Commerce and Insurance, Dept. of -- Authorizes commissioner of commerce and insurance to determine whether various contracts, agreements and other arrangements constitute insurance pursuant to TCA Title 56. Amends TCA, Title 56. (HB 1156).

**Senate Bill No. 1562** -- Municipal Government -- Authorizes municipally owned electric systems to borrow money from federal REA to reloan funds to promote rural economic development. Amends TCA, Title 7, Chs. 34, 52. (\*HB 1445).

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 1654** -- Millington -- Held on Clerk's desk pending approval by local delegation.

**House Bill No. 1655** -- School Districts, Special -- Held on Clerk's desk pending approval by local delegation.

**\*House Bill No. 1658** -- County Officers -- Judiciary Committee.

**CONSENT CALENDAR**

**House Resolution No. 0047** -- Memorials, Interns -- Chad Emerson.

**House Resolution No. 0048** -- Memorials, Public Service -- William Fred Durham.

**House Resolution No. 0049** -- Memorials, Public Service -- Dorothy "Dotty" Grace Ventress Durham.

**House Joint Resolution No. 0246** -- Memorials, Academic Achievement -- Collierville Schools, Odyssey of the Mind.

**House Joint Resolution No. 0250** -- Memorials, Professional Achievement -- Don Loftis, Outstanding Superintendent for 1993.

**House Joint Resolution No. 0251** -- Memorials, Professional Achievement -- Alice Dollar, recipient of 1992-1993 Presidential Award for Excellence in Science and Mathematics Teaching.

**House Joint Resolution No. 0252** -- Memorials, Recognition and Thanks -- Henry Ragan.

**THURSDAY, APRIL 29, 1993 -- FORTIETH LEGISLATIVE DAY**

**House Joint Resolution No. 0255** -- Memorials, Recognition and Thanks -- Alissa Denise Allen.

**House Joint Resolution No. 0256** -- Memorials, Personal Occasion -- Rev. and Mrs. S. M. Shaw, 50th wedding anniversary.

**House Joint Resolution No. 0257** -- Memorials, Sports -- 1992-1993 Clarkrange High School girls' basketball team.

**House Joint Resolution No. 0259** -- Memorials, Professional Achievement -- Newport Plain Talk, TEA School Bell Award.

**House Joint Resolution No. 0266** -- Memorials, Death -- Thomas Mitchell "Tommy" Givens, Rogersville.

**House Joint Resolution No. 0267** -- Memorials, Sports -- 1992-1993 Science High School boys' basketball team.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**REGULAR CALENDAR**

**House Bill No. 0678** -- Public Funds and Financing -- Creates State Office Buildings and Support Facilities Revolving Fund. Amends TCA, Title 9, Ch. 4.

**THURSDAY, APRIL 29, 1993 -- FORTIETH LEGISLATIVE DAY**

Further consideration of House Bill No. 678, previously considered on April 15, 1993, at which time it was reset to the Calendar for April 29, 1993.

On motion, House Bill No. 678 was made to conform with Senate Bill No. 787; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that Senate Bill No. 787 be passed on third and final consideration.

Rep. Coffey moved to adopt Amendment No. 1 as follows:

**Amendment No. 1**

Amend Senate Bill No. 787 by adding at the end of Section 1 the following new subsection:

The state treasurer shall report on a quarterly basis to the finance, ways and means committees of each house. The report shall include the names of the depositories, the amount of funds so deposited, the applicable interest rates, any condition imposed and the bases of selection for the depositories.

Rep. Purcell requested that Senate Bill No. 787 be moved to the heel of the Calendar.

**\*House Bill No. 0147 -- Courts, General Sessions --** Authorizes non-attorney officers and employees of a corporation to represent corporation before courts of general sessions under certain circumstances. Amends TCA 23-3-103.

Further consideration of House Bill No. 147, previously considered on April 21, 1993, at which time it was reset to the Calendar for April 29, 1993.

Rep. Pinion moved that House Bill No. 147 be reset one week to the Calendar for Thursday, May 6, 1993, which motion prevailed.

**House Bill No. 0948 -- Alcoholic Beverages --** Authorizes sale of alcoholic beverages for consumption on the premises at certain recreational facilities. Amends TCA 57-4-102.

Further consideration of House Bill No. 948, previously considered on April 22, 1993, at which time it was reset to the Calendar for April 29, 1993.

Rep. Chumney moved that House Bill No. 948 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 948 by adding to the amendatory language of Section 1 the following new item:

(vi) A premier type tourist resort, as defined in this subdivision (F), shall be authorized to sell or serve alcoholic beverages on the premises of such resort only at special functions, wherein attendance is limited to invited guests or groups and not to the general public.

On motion, Amendment No. 1 was adopted.

Rep. Chumney moved that **House Bill No. 948**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	54
Noes. . . . .	32
Present and not voting. . . . .	7

Representatives voting aye were: Allen, Armstrong, Arriola, Brooks, Brown, Buck, Callicott, Chiles, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Davis, DeBerry, Dixon, Duer, Fisher, Fowlkes, Garrett, Hargrove, Hassell, Haun, Head, Huskey, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Love, Meyer, Mires, Napier, Odom, Peroulas Draper, Phelan, Rigsby, Robinson, Severance, Stamps, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, West, Westmoreland, Whitson, Williams (Shelby), Williams (Williamson), Wix, Mr. Speaker Naifeh -- 54.

Representatives voting no were: Bell, Byrd, Coffey, Cross, Davidson, Ferguson, Givens, Gunnels, Haley, Herron, Hillis, Joyce, Kisber, Liles, McAfee, McDaniel, McKee, Moore, Phillips, Pinion, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Shirley, Stockburger, Walley, Williams (Union), Windle, Winningham, Wood -- 32.

Representatives present and not voting were: Anderson, Boyer, Bragg, Johnson, Knight, Lewis, Owenby -- 7.

A motion to reconsider was tabled.

**House Bill No. 0897 -- Veterans --** Authorizes motor vehicle registration fee exemption for holders of purple heart. Amends TCA 55-4-239.

Further consideration of House Bill No. 897, previously considered on April 1, 15 and 22, 1993, at which time it was reset to the Calendar for April 29, 1993.

On motion, House Bill No. 897 was made to conform with **Senate Bill No. 243**; the Senate Bill was substituted for the House Bill.

**THURSDAY, APRIL 29, 1993 -- FORTIETH LEGISLATIVE DAY**

Rep. Winningham moved that **Senate Bill No. 243** be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

Rep. Winningham moved that **Senate Bill No. 243** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**\*Senate Bill No. 0327 -- County Officers --** Increases fees charged by county register; removes exemption from filling fees on documents filed by local development authority for mental health facilities. Amends TCA 4-31-707, 8-21-1001, 48-11-303, 48-51-303, 61-2-206, 68-102-125.

Further consideration of Senate Bill No. 327, previously considered on April 15 and 22, 1993, at which time it was substituted for House Bill No. 398; Amendment No. 1 was moved to the heel of the Amendments; a motion was made to adopt Amendment No. 4, and the bill was reset to the Calendar for April 29, 1993.

Rep. Cross moved that Senate Bill No. 327 be reset one week to the Calendar for Thursday, May 6, 1993, which motion prevailed.

**House Bill No. 1143 -- Taxes, Privilege --** Authorizes employing state or local government to pay professional privilege tax for employees. Amends TCA, Title 67, Ch. 4, Pt. 17.

Further consideration of House Bill No. 1143, previously considered on April 1 and 26, 1993, at which time Amendments Nos. 1 and 2 were adopted and the bill was reset to the Calendar for April 29, 1993.



THURSDAY, APRIL 29, 1993 -- FORTIETH LEGISLATIVE DAY

Rep. West moved that House Bill No. 1143, as amended, be reset to the Calendar for Wednesday, May 5, 1993, which motion prevailed.

**\*House Bill No. 0252** -- Courts, General Sessions -- Permits legislative body of metropolitan counties to create by ordinance two additional divisions of general sessions court to be effective September 1, 1998. Amends TCA 7-3-311.

On motion, House Bill No. 252 was made to conform with **Senate Bill No. 473**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that **Senate Bill No. 473** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	88
Noes. . . . .	0
Present and not voting. . . . .	8

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood -- 88.

Representatives present and not voting were: Haley, Liles, Owenby, Ramsey, Rhinehart, Venable, Westmoreland, Mr. Speaker Naifeh -- 8.

A motion to reconsider was tabled.

**House Bill No. 0059** -- Davidson County -- Transfers authority for regulation of dog ownership from Department of Health to Codes Administration. Amends Chapter 633, Private Acts of 1949, as amended.

Rep. Odom moved that House Bill No. 59 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1, seconded by Rep. Odom, as follows:

**Amendment No. 1**

Amend House Bill No. 59 by deleting Sections 2 through 4

THURSDAY, APRIL 29, 1993 -- FORTIETH LEGISLATIVE DAY

inclusive and substituting in lieu thereof the following:

Section 2. Section 4 is amended by deleting the words "county health department" wherever they appear in said section, and substituting in their place the following:

...department or person duly authorized by the legislative body for the Metropolitan Government of Nashville and Davidson County.

Section 3. Section 11 is amended by deleting the words "county health department" and "county official duly authorized" wherever they appear in said section and substituting in their place the following:

...department or person duly authorized by the legislative body for the Metropolitan Government of Nashville and Davidson County.

Section 4. Section 16 is amended by deleting the words "board of health" in said section and substituting in their place the following:

...department or person duly authorized by the legislative body for the Metropolitan Government of Nashville and Davidson County.

On motion, Amendment No. 1 was adopted.

#### PRESENT IN CHAMBER

Representative(s) Pruitt was/were recorded as being present in the Chamber.

#### REGULAR CALENDAR, CONTINUED

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 2, seconded by Rep. Odom, as follows:

##### Amendment No. 2

Amend House Bill No. 59 by adding the following language as a new Section 5 and by renumbering subsequent sections accordingly:

SECTION 5. Chapter 633 of the Private Acts of 1949, as amended by Chapter 300 of the Private Acts of 1955, and all other acts amendatory thereto, is further amended by adding the following new paragraph:

The Metropolitan Council shall have the authority to execute a renewable contract with research institutions allowing such institutions to purchase

impounded animals.

On motion, Amendment No. 2 was adopted.

Rep. Odom moved that House Bill No. 59. as amended, be passed on third and final consideration.

Rep. Severance moved the previous question, which motion prevailed.

Rep. Odom moved that **House Bill No. 59**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	69
Noes. . . . .	15
Present and not voting. . . . .	13

Representatives voting aye were: Anderson, Armstrong, Arriola, Bittle, Brown, Buck, Byrd, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Halteman Harwell, Haun, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Ritchie, Robinson, Severance, Shirley, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Westmoreland, Williams (Shelby), Williams (Williamson), Wood, Mr. Speaker Naifeh -- 69.

Representatives voting no were: Bell, Callicott, Chiles, Davidson, Hargrove, Head, Phelan, Purcell, Rinks, Stamps, West, Williams (Union), Windle, Winningham, Wix -- 15.

Representatives present and not voting were: Allen, Boyer, Bragg, Brooks, Duer, Haley, Hassell, Lewis, Liles, Rigsby, Venable, Walley, Whitson -- 13.

A motion to reconsider was tabled.

**House Bill No. 1153** -- Physicians and Surgeons -- Exempts certain physicians from requirements of Tennessee Medical Laboratory Act under certain circumstances. Amends TCA, Title 68, Ch. 29.

On motion, House Bill No. 1153 was made to conform with **Senate Bill No. 543**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that **Senate Bill No. 543** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

THURSDAY, APRIL 29, 1993 -- FORTIETH LEGISLATIVE DAY

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 1204** -- Metropolitan Government -- Authorizes issuance and service of citations for violation of ordinances, laws and regulations; increases maximum penalty for violation of ordinances and laws. Amends TCA, Title 7, Ch. 1.

On motion, House Bill No. 1204 was made to conform with **Senate Bill No. 1008**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that **Senate Bill No. 1008** be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Odom moved that **Senate Bill No. 1008** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	76
Noes. . . . .	0
Present and not voting. . . . .	17

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Chiles, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Gunnels, Halteman Harwell, Hassell, Haun, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Kent, Kernell, Kisber, Knight, Lewis, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Ritchie, Severance, Stockburger, Stulce, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 76.

Representatives present and not voting were: Allen, Callicott, Coffey, Givens, Haley, Hargrove, Head, Joyce, Liles, Ramsey, Rigsby,

**THURSDAY, APRIL 29, 1993 -- FORTIETH LEGISLATIVE DAY**

Shirley, Stamps, Tindell, Venable, Westmoreland, Williams (Union)  
-- 17.

A motion to reconsider was tabled.

**House Bill No. 0503 -- Criminal Offenses -- Creates offense of reckless homicide; clarifies offense of aggravated assault. Amends TCA, Title 39, Ch. 13, Pt. 2.**

On motion, House Bill No. 503 was made to conform with **Senate Bill No. 567**; the Senate Bill was substituted for the House Bill.

Rep. Herron moved that **Senate Bill No. 567** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**\*House Bill No. 0820 -- Medicare and Medicaid -- Enacts "Tennessee Medicaid False Claims Act".**

Rep. Herron moved that House Bill No. 820 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1, seconded by Rep. Herron, as follows:

**Amendment No. 1**

Amend House Bill No. 820 by deleting subsection (a)(1), (2), (3) and (4) of the amendatory language of SECTION 2 and substituting instead the following:

(a) Any person who:

(1) Presents, or causes to be presented, to the state of Tennessee a claim for payment or approval under the Medicaid Program knowing such claim is false or fraudulent;

(2) Makes, uses, or causes to be made or used, a record or statement to get a false or fraudulent claim under the Medicaid Program paid for or approved by the state knowing such record or statement is false;

(3) Conspires to defraud the state by getting a claim allowed or paid under the Medicaid Program knowing such claim is false or fraudulent; or

(4) Makes, uses, or causes to be made or used, a record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the state, relative to the Medicaid Program, knowing such record or statement is false.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

**Amendment No. 2**

Amend House Bill No. 820 by deleting subsection (b) of SECTION 6 and substituting instead the following:

(b) A violation of this section is punishable as theft and graded pursuant to Tennessee Code Annotated, Section 39-14-105.

On motion, Amendment No. 2 was adopted.

Rep. Herron moved that House Bill No. 820, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway.

**THURSDAY, APRIL 29, 1993 -- FORTIETH LEGISLATIVE DAY**

Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 0827 -- State Government -- Enacts "Tennessee False Claims Act".**

Rep. Herron moved that House Bill No. 827 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1, seconded by Rep. Herron, as follows:

**Amendment No. 1**

Amend House Bill No. 827 by deleting subsection (a)(1), (2), (3) and (4) of the amendatory language of SECTION 2 and substituting instead the following:

(a) Any person who:

(1) Presents, or causes to be presented, to the state of Tennessee a claim for payment or approval under any program receiving state funding or state matching funds or any program paid for or approved by the state knowing such claim is false or fraudulent;

(2) Makes, uses, or causes to be made or used, a record or statement to get a false or fraudulent claim under any program receiving state funds or state matching funds or any program paid for or approved by the state knowing such record or statement is false;

(3) Conspires to defraud the state by getting a claim allowed or paid under any such program knowing such claim is false or fraudulent; or

(4) Makes, uses, or causes to be made or used, a record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the state, relative to such state or state supported program, knowing such record or statement is false,

On motion, Amendment No. 1 was adopted.

**CHAIR TO DEBERRY**

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

REGULAR CALENDAR, CONTINUED

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2, seconded by Rep. Herron, as follows:

Amendment No. 2

Amend House Bill No. 827 by deleting subsection (b) of SECTION 6 and substituting instead the following:

(b) A violation of this section is punishable as theft and graded pursuant to Tennessee Code Annotated, Section 39-14-105.

On motion, Amendment No. 2 was adopted.

Rep. Herron moved that **House Bill No. 827**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson). Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**House Bill No. 1165** -- Real Property -- Revises procedure of updating real property values in the third year of review cycle in certain circumstances. Amends TCA, Title 67, Ch. 5.

On motion, House Bill No. 1165 was made to conform with **Senate Bill No. 659**; the Senate Bill was substituted for the House Bill.

Rep. Herron moved that **Senate Bill No. 659** be passed on third and final consideration, which motion prevailed by the following vote:



THURSDAY, APRIL 29, 1993 -- FORTIETH LEGISLATIVE DAY

Ayes. . . . .	95
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Brown -- 1.

A motion to reconsider was tabled.

**House Bill No. 1181** -- Municipal Government -- Deletes right to have action of municipal planning commission appealed to county legislative body or other legislative body having jurisdiction over zoning matters in Hamilton and Knox counties. Amends TCA 13-4-304.

On motion, House Bill No. 1181 was made to conform with **Senate Bill No. 224**; the Senate Bill was substituted for the House Bill.

Rep. Meyer moved that **Senate Bill No. 224** be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Meyer moved that **Senate Bill No. 224** be passed on third and final consideration.

Rep. Meyer requested that House Bill No. 224 be moved to the heel of the Calendar.

**CHAIR TO SPEAKER**

Mr. Speaker Naifeh resumed the Chair.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 0626** -- Day Care -- Requires certain family day homes, group day homes and day care centers to advise parents of five year olds that attendance at such will not comply with

**THURSDAY, APRIL 29, 1993 -- FORTIETH LEGISLATIVE DAY**

mandatory kindergarten prerequisite for enrollment in first grade.  
Amends TCA 49-6-201; Title 71, Ch. 3, Pt. 5.

On motion, House Bill No. 626 was made to conform with **Senate Bill No. 845**; the Senate Bill was substituted for the House Bill.

Rep. DeBerry moved that **Senate Bill No. 845** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

. A motion to reconsider was tabled.

**Senate Bill No. 0224 -- Municipal Government --** Deletes right to have action of municipal planning commission appealed to county legislative body or other legislative body having jurisdiction over zoning matters in Hamilton and Knox counties. Amends TCA 13-4-304.

Further consideration of Senate Bill No. 224, previously considered on today's Calendar.

Rep. Meyer moved that Senate Bill No. 224 be reset to the Calendar for Monday, May 3, 1993, which motion prevailed.

**House Bill No. 1182 -- Regional Authorities --** Deletes right to have action of regional planning commission appealed to county legislative body or other legislative body having jurisdiction over zoning matters in Hamilton and Knox counties. Amends TCA 13-3-404.

Rep. Meyer moved that House Bill No. 1182 be reset to the Calendar for Monday, May 3, 1993, which motion prevailed.

**\*Senate Bill No. 0787 -- Public Funds and Financing --** Creates State Office Buildings and Support Facilities Revolving Fund.

THURSDAY, APRIL 29, 1993 -- FORTIETH LEGISLATIVE DAY

Amends TCA, Title 9, Ch. 4.

Further consideration of Senate Bill No. 787, previously considered on today's Calendar.

Rep. Purcell moved that Senate Bill No. 787 be reset to the Calendar for Monday, May 3, 1993, which motion prevailed.

## MESSAGE CALENDAR

### HOUSE ACTION ON SENATE MESSAGE

#### MOTION TO RECONSIDER

Rep. Kernell moved to lift from the table the motion to reconsider Senate Bill No. 281, which motion prevailed.

**\*Senate Bill No. 0281** -- Administrative Procedure -- Revises effective date of rules and regulation promulgated pursuant to UAPA. Amends TCA, Title 4, Ch. 5, Pt. 2.

Rep. Kernell moved to reconsider action in passing Senate Bill No. 281, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 2. On motion, Amendment No. 2 was withdrawn.

Rep. Kernell moved that **Senate Bill No. 281**, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 0420 -- Alcoholic Beverages --** Expands scope of beer board license suspension or revocation hearings. Amends TCA 57-5-109.

**Senate Amendment No. 2**

AMEND House Bill No. 420 by redesignating Section 2 of the printed bill to be Section 3 and by adding a new Section 2, as follows:

SECTION 2. If Section 57-5-109 is renumbered or redesignated by prior legislation, it is the legislative intent that the provisions of Section 1 of this act be added at the appropriate place in the redesignated or renumbered section.

Rep. Joyce moved that the House concur in Senate Amendment(s) No(s). 2 to House Bill No. 420, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 0472 -- Employees, Employers --** Authorizes local boards of education, religious, charitable, scientific or educational institutions and child welfare agencies to request teachers and persons applying to work with children to agree to criminal history records' check or supply fingerprint sample for FBI. Amends TCA, Title 37, Ch. 1, Pt. 4; Title 38, Ch. 6, Pt. 1; Title 49, Ch. 5; Title 71, Ch. 3, Pt. 5.

THURSDAY, APRIL 29, 1993 -- FORTIETH LEGISLATIVE DAY

Senate Amendment No. 1

AMEND House Bill No. 472 by deleting from Section 1(b) the words "shall at the discretion of the local board of education be paid by the applicant or" and by substituting instead the following:

shall be paid by

AND FURTHER AMEND by deleting from Section 2 the words and punctuation ", or educational institution" wherever such words and punctuation sequentially appear and by substituting instead the following:

, educational, or athletic institution or organization

AND FURTHER AMEND by deleting from Section 2(a)(1) the words and punctuation "in such institution;" and by substituting instead the following:

for such institution or organization;

AND FURTHER AMEND by deleting from Section 2(b) the words "shall at the discretion of the institution be paid by the applicant or" and by substituting instead the following:

shall be paid by

AND FURTHER AMEND by deleting from Section 3(b) the words "shall at the discretion of the child welfare agency be paid by the applicant or" and by substituting instead the following:

shall be paid by

AND FURTHER AMEND by deleting from Section 4 the words punctuation "or educational institutions" and by substituting instead the following:

, educational, or athletic institutions or organizations

AND FURTHER AMEND by deleting from Section 4 the words "or educational institution" and by substituting instead the following:

, education, or athletic institution or organization

AND FURTHER AMEND by deleting the following words from the amendatory language of Section 4:

and check such prints against its records and records maintained by the federal bureau of investigation

and by substituting instead the following:

and shall check such prints against its records and, to the

extent permitted by federal law, also check such prints against records maintained by the federal bureau of investigation

**Senate Amendment No. 1 to Amendment No. 1**

AMEND House Bill No. 472 by inserting the following language immediately after the fifth amendatory clause:

AND FURTHER AMEND by inserting the following language immediately after Section 4:

SECTION \_\_\_\_ Tennessee Code Annotated, Section 71-3-529, is amended by deleting from the first sentence of subsections (a) and (b) the word "shall" and by substituting instead the word "may".

**Senate Amendment No. 2**

AMEND House Bill No. 472 by deleting the effective date section and substituting the following, to be appropriately numbered:

SECTION \_\_\_\_ This act shall take effect January 1, 1994, the public welfare requiring it.

Rep. Williams (Williamson) moved that the House concur in Senate Amendment(s) No(s). 1, as amended, and 2 to House Bill No. 472.

Rep. Duer moved the previous question, which motion prevailed.

Rep. Williams (Williamson) moved that the House concur in Senate Amendment(s) No(s). 1, as amended, and 2 to House Bill No. 472, which motion prevailed by the following vote:

Ayes. . . . .	86
Noes. . . . .	11

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Miller, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Shirley, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 86.

**THURSDAY, APRIL 29, 1993 -- FORTIETH LEGISLATIVE DAY**

Representatives voting no were: Allen, Arriola, Duer, Fisher, Halteman, Harwell, Kent, Meyer, Mires, Ritchie, Stamps, Turner (Shelby) -- 11.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE MESSAGE**

**Senate Bill No. 0616** -- DUI/DWI Offenses -- Revises BAC test fee in Davidson County from \$17.50 to up to \$50; changes fee for making arrests in criminal cases in Davidson County to up to \$50, as determined by county legislative body. Amends TCA, Titles 8. 55.

Rep. Garrett moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 1 to **Senate Bill No. 616**, which motion prevailed.

**HOUSE ACTION ON SENATE AMENDMENT**

**House Bill No. 0880** -- Claims Commission, Tennessee -- Extends term of office for commissioners of claims commission to eight years. Amends TCA, Title 9, Ch. 8, Pt. 3.

**Senate Amendment No. 1**

Amend House Bill No. 880 by deleting the words and figure "eight (8) years" in the amendatory language in Section 1 of the printed bill and substituting the words and figures "six (6) years".

**Senate Amendment No. 2**

AMEND House Bill No. 880 by deleting Section 2 of the printed bill and substituting the following:

SECTION 2. Tennessee Code Annotated, Section 9-8-302, is further amended by redesignating subsection (b) to be subdivision (b)(1) and by adding a new subdivision (b)(2), as follows:

(b)(2) In order to implement the new six (6) year terms provided for by this act, the initial term of commissioner whose term expires in 1993 shall be six (6) years, the initial term of the commissioner whose term expires in 1994 shall be seven (7) years, and the initial new term of the commissioner whose term expires in 1995 shall be eight (8) years. Thereafter all commissioners shall be appointed to six (6) year terms.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to

**THURSDAY, APRIL 29, 1993 -- FORTIETH LEGISLATIVE DAY**

the term of each commissioner so appointed and confirmed whose term commences on or after January 1, 1993.

Rep. Purcell moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 880**, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 1013 -- County Officers -- Establishes qualifications for sheriffs. Amends TCA 8-8-102, 8-18-101.**

Rep. Kent moved that House Bill No. 1013 be reset one week to the Message Calendar for Thursday, May 6, 1993, which motion prevailed.

**House Bill No. 1014 -- Law Enforcement -- Revises training standards for sheriffs; establishes criteria for sheriffs to receive police pay supplement. Amends TCA, Title 38, Ch. 8.**

Rep. Kent moved that House Bill No. 1014 be reset one week to the Message Calendar for Thursday, May 6, 1993, which motion prevailed.

**UNFINISHED BUSINESS**

**MESSAGE FROM THE SENATE  
April 29, 1993**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 872: substituted for Senate Bill(s) on same



**THURSDAY, APRIL 29, 1993 -- FORTIETH LEGISLATIVE DAY**

subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**NOTICE TO ACT ON SENATE MESSAGES**

Pursuant to **Rule No. 59**, the sponsor(s) gave notice of intent to consider the following measure(s) from the Senate on Monday, May 3, 1993:

**House Bill No. 1202:** Rep. Kisber.

**House Joint Resolution No. 62:** Rep. Ridgeway.

**Senate Bill No. 175:** Rep. Herron.

**House Bill No. 872:** Rep. Moore.

**Senate Bill No. 398:** Rep. Peroulas Draper.

**Senate Bill No. 374:** Rep. Peroulas Draper.

**House Joint Resolution No. 47:** Rep. Miller.

**HOUSE BILL REFERRED**

Rep. Buck moved that **House Bill No. 1658** be referred to the Delayed Bills Committee, which motion prevailed.

**\*House Bill No. 1658 -- County Officers --** Authorizes constables in DeKalb County to carry handguns and equip vehicles with blue and red lights and sirens. Amends TCA, Title 8, Ch. 10; Title 39, Ch. 17; Title 55, Ch. 9. by \*Buck.

**RULES SUSPENDED**

Rep. Buck moved to suspend **Rule No. 80(1)**, relative to the time for placing bills on notice in Committee, so that House Bill No. 1658 could be heard by the Judiciary Committee on Wednesday, May 5, 1993, if recommended by the Delayed Bills Committee, which motion prevailed.

**DELAYED BILLS REFERRED**

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 1662, was/were referred to the Delayed Bills Committee.

**House Bill No. 1662 -- Handicapped Persons --** Revises impaired drivers fund to be statewide to provide financial assistance to persons sustaining traumatic brain injuries. by \*Arriola.

**THURSDAY, APRIL 29, 1993 -- FORTIETH LEGISLATIVE DAY**

**REPORT OF DELAYED BILLS COMMITTEE**  
**April 29, 1993**

Pursuant to Rule No. 77, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 1623, 1629 and 1658.

Jimmy Naifeh, Speaker  
Bill Purcell  
H. E. Bittle

**SPONSORS ADDED**

Under Rule No. 43, the following member(s) were permitted to add their name(s) as sponsor(s) as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 263: Rep(s). Davidson as prime sponsor(s).

House Bill No. 503: Rep(s). Kernell and Williams (Shelby) as prime sponsor(s).

House Bill No. 626: Rep(s). Knight as prime sponsor(s).

House Bill No. 820: Rep(s). Kisber and McDaniel as prime sponsor(s).

House Bill No. 827: Rep(s). Kisber as prime sponsor(s).

House Bill No. 948: Rep(s). Kent as prime sponsor(s).

**REQUEST TO BE ADDED AS SPONSOR**

The following member(s) requested to add their name(s) as sponsor(s) as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage/adoption of said bill/resolution:

House Bill No. 503: Rep(s). Knight as prime sponsor(s).

**REPORT OF CHIEF ENGROSSING CLERK**  
**April 29, 1993**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 387, 406, 482, 488, 653, 659, 664, 677, 718, 795, 805, 831, 841, 918, 959, 1118, 1218, 1224, 1255, 1261, 1363, 1410, 1429, 1456, 1498, 1520, 1542, 1547, 1619, 1631, 1635, 1636, 1637 and 1639; also, House Joint Resolution(s) No(s). 1, 81, 196, 197, 198, 199, 202, 203, 204, 207, 209, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232,

**THURSDAY, APRIL 29, 1993 -- FORTIETH LEGISLATIVE DAY**

233, 234, 235 and 238.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 29, 1993**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 198; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**SIGNED**

**April 29, 1993**

The Speaker announced that he had signed the following: Senate Joint Resolution(s) No(s). 198.

**MESSAGE FROM THE SENATE**

**April 29, 1993**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1643 and 1645; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**April 29, 1993**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 59 and 948; also, House Joint Resolution(s) No(s). 246, 250, 251, 252, 255, 256, 257, 259, 266 and 267.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 29, 1993**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 194, 237, 239, 240, 243, 244, 247, 248 and 249; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**THURSDAY, APRIL 29, 1993 -- FORTIETH LEGISLATIVE DAY**

**SIGNED  
April 29, 1993**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 68, 134, 375, 452, 482, 619, 740, 959, 998, 1037, 1205, 1240 and 1301; also, Senate Joint Resolution(s) No(s). 53, 168, 169, 170, 172, 173, 174, 176, 179, 180, 181, 182, 183, 184, 185 and 186.

**ENGROSSED BILLS  
April 29, 1993**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 820 and 827.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
April 29, 1993**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 656; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE  
April 29, 1993**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 531; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE  
April 29, 1993**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 171 and 195; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE  
April 29, 1993**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 44, 53, 139, 165, 202, 362, 368, 445, 475 and 637;

THURSDAY, APRIL 29, 1993 -- FORTIETH LEGISLATIVE DAY

for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 29, 1993**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 246, 250, 251, 252, 255, 256, 257, 259, 266 and 267; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 29, 1993**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1050 and 1419; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 1050 -- DUI/DWI Offenses --** Makes BAC of 0.10 percent per se DUI offense. Amends TCA, Title 55, Ch. 10, by \*Gilbert, \*McNally, \*Person, Jordan, Holcomb, Elsea, Wright.

**\*Senate Bill No. 1419 -- Handicapped Persons --** Enacts "Head and Spinal Cord Injury Information System Act". Amends TCA 4-29-215; Title 68, by \*Person, \*Leatherwood, \*Crutchfield.

**MESSAGE FROM THE SENATE**

**April 29, 1993**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 143, 190, 191, 193, 196, 197 and 199; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 0143 -- Memorials, Sports --** Vanderbilt University men's basketball team, by \*Harper, \*Henry, \*Albright, \*Atchley, \*Burks, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Davis, \*Elsea, \*Ford, \*Gilbert, \*Greer, \*Hamilton, \*Haynes, \*Holcomb, \*Koella, \*Kyle, \*Leatherwood, \*McKnight, \*McNally, \*O'Brien, \*Patten, \*Person, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Womack, \*Wright, \*Wilder, Jordan.

**Senate Joint Resolution No. 0190 -- Memorials, Sports --** 1992-1993 Battle Ground Academy boys' basketball team, TSSAA Class A state champions, by \*Springer, \*Crutchfield, \*Patten.

**Senate Joint Resolution No. 0191 -- Memorials, Retirement --** Dr.

**THURSDAY, APRIL 29, 1993 -- FORTIETH LEGISLATIVE DAY**

Don Lambert. by \*Rice.

**Senate Joint Resolution No. 0193** -- Memorials, Interns -- John Brian Ratledge. by \*Atchley.

**Senate Joint Resolution No. 0196** -- Memorials, Recognition and Thanks -- Bridge Builders. by \*Person, \*Ford, \*Leatherwood, \*Cohen, \*Kyle.

**Senate Joint Resolution No. 0197** -- Memorials, Interns -- Randy H. Binkley. by \*Rice.

**Senate Joint Resolution No. 0199** -- Memorials, Sports -- 1992-1993 Christian Academy of Knoxville boys' basketball team. by \*Gilbert.

**SIGNED  
April 29, 1993**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 44, 53, 139, 165, 202, 362, 368, 445, 475 and 637; also, Senate Joint Resolution(s) No(s). 171 and 195.

**ENROLLED BILLS  
April 29, 1993**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 31, 354, 381, 530, 640, 657, 790, 991, 1343, 1371 and 1430; House Joint Resolution(s) No(s). 100, 106, 107, 245 and 265; also, House Resolution(s) No(s). 44, 45 and 46.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED  
April 29, 1993**

The Speaker announced that he had signed the following: House Bill(s) No(s). 31, 354, 381, 530, 640, 657, 790, 991, 1343, 1371 and 1430; House Joint Resolution(s) No(s). 100, 106, 107, 245 and 265; also, House Resolution(s) No(s). 44, 45 and 46.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS  
April 29, 1993**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 420, 472, 880, 1643 and 1645; House Joint Resolution(s) No(s). 194, 237, 239, 240, 243, 244, 246, 247, 248, 249, 250, 251, 252, 255, 256,

**THURSDAY, APRIL 29, 1993 -- FORTIETH LEGISLATIVE DAY**

257, 259, 266 and 267; also, House Resolution(s) No(s). 47, 48 and 49.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED  
April 29, 1993**

The Speaker announced that he had signed the following: House Bill(s) No(s). 420, 472, 880, 1643 and 1645; House Joint Resolution(s) No(s). 194, 237, 239, 240, 243, 244, 246, 247, 248, 249, 250, 251, 252, 255, 256, 257, 259, 266 and 267; also, House Resolution(s) No(s). 47, 48 and 49.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**CONSENT CALENDAR  
April 29, 1993**

The following local bills have been placed on the Consent Calendar for **Monday, May 3, 1993**: House Bill(s) No(s). 1649 and 1655.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 97

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

On motion of Rep. Purcell, the House recessed until 5:00 p.m., Monday, May 3, 1993.